

Notice of Allowability	Application No.	Applicant(s)	
	09/728,212	JERMAN ET AL.	
	Examiner	Art Unit	
	ARMANDO RODRIGUEZ	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed on August 12, 2004.
2. The allowed claim(s) is/are 1-40.
3. The drawings filed on 11 June 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>9/2/2004 8/12/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material 	<ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>9/2/2004 8/14/04</u> 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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DETAILED ACTION

Response to Amendment

Claims 1-40 are pending.

The 35 USC 112 second paragraph rejection has been withdrawn based on applicant's amendment filed on August 12, 2004.

The 35 USC 103 rejection has been withdrawn based on applicant's amendment filed on August 12, 2004.

Response to Arguments

Applicant's arguments, see pages 8-14, filed August 12, 2004, with respect to claims 1-39 have been fully considered and are persuasive. The rejection of claims 1-39 has been withdrawn.

Allowable Subject Matter

Claims 1-40 are allowed.

The following is an examiner's statement of reasons for allowance:

After reviewing applicant's amendment, arguments and conducting an updated search none of the cited prior arts alone or in combination discloses the claimed laser device having the recited limitations of independent claims 1,13,28,31 and 37.

Regarding claims 1-14,15-27,

None of the cited prior arts discloses the claimed single mode tunable laser having in particular the structural arrangement of a laser source, a diffraction element, a reflective element and a microactuator, where the structural arrangement has the

recited dimensions of a length of 5 to 25 millimeters, a width of 4 to 15 millimeters and a height of 3 to 10 millimeters.

Regarding claims 13,35 and 36,

None of the cited prior arts discloses the claimed tunable laser having in particular the structural arrangement of a laser source, a diffraction element, a reflective element, a microactuator and a counterbalance for inhibiting undesirable movement in response to externally accelerations to the tunable laser.

Regarding claims 28-30,

None of the cited prior arts discloses the claimed tunable laser microassembly having the structural arrangement of a laser source, a diffraction element, a reflective element and in particular a micro-dimensioned actuator.

Regarding claims 31-34,

None of the cited prior arts discloses the claimed laser having the structural arrangement of a laser source, a diffraction element, a reflective element, a microactuator and in particular a collimating lens disposed between the laser source and the diffraction element, where the microactuator is coupled to the collimating lens for moving the lens to enhance the coupling of the light into the laser source.

Regarding claims 37-40,

None of the cited prior arts discloses the claimed tunable laser having the structural arrangement of a laser source, a diffraction element, a reflective element and in particular an electrostatic microactuator coupled to the reflective element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARMANDO RODRIGUEZ
Examiner
Art Unit 2828

MINSUN HARVEY
Supervisor
Art Unit 2828

AR/MH